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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Fredrik Alfried Fortier

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EXAMINER

MONDT, JOHANNES P

ART UNIT

PAPER NUMBER

3663

MAIL DATE

DELIVERY MODE

02/16/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,460	Applicant(s) FORTIER, FREDRIK ALFRIED	
	Examiner JOHANNES P. MONDT	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55,56 and 58-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 69-71 and 73-76 is/are rejected.
- 7) ☒ Claim(s) 55,56,58-68,72 and 77 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>A.NE: Am. Spec entered.</u> |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/7/2010 has been entered.

Response to Amendment

2. Amendment filed 9/7/10 with said request forms the basis for this Office action. Applicant submitted amendments to the Drawings and the Specification, amended claims 55 and 56, and added new claims 58-77. Comments on "Remarks" are provided below under "Response to Arguments".

Drawings

3. The amendment to the Drawings is herewith approved.

Specification

4. The amendment to the specification is herewith approved.

Claim Objections

5. ***Claims 58-77*** are objected to because of the following informalities: The verbiage "A support arrangement" (line 1 of all claims 58-77) should be replaced by "The support arrangement". Appropriate correction is required.

6. **Claim 55** is objected to because of the following informalities: the verbiage "the roller" should be replaced by "the roller element". Appropriate correction is required.

7. **Claim 56** is objected to because of the following informalities: the verbiage "the outer upper lateral support is" (final line) should be replaced by "The outer upper lateral support members are". Appropriate correction is required.

8. **Claim 67** is objected to because of the following informalities: the verbiage "mounted on upper support ring" should be replaced by "mounted on an upper support ring". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. **Claims 69-71** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The lateral support means, as construed from the specification, is, - and can only be, element 18, but is not disclosed to include (itself) (here, underscore was added by examiner) a plurality of circumferentially spaced lower lateral supports. Therefore, claim 69, and thereby, claims 70 and 71 contain new matter.

10. **Claims 73 and 74** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

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which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation in claim 73 that “the radial outer ends of the support beams.... are receivable with little clearance” (underscored added by examiner) is not supported by the specification. No statement on clearance is included at all with regard to said radial outer ends, let alone on “little” clearance, whatever “little” may mean. Therefore, claim 73 and claim 74, dependent as it is on claim 74, contain new matter.

11. **Claim 75** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The “plurality of spaced support beams” (54) claimed as included in the “upper support member” (44) are not disclosed, in the specification, to extend radially outwardly from the central member to an annular skirt (302). Rather, such is disclosed for the lower support member 46 rather than upper support member 44. Therefore, claim 75 contains new matter.

12. **Claim 76** rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation in claim 76 that “the radial outer ends of the

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support beams.... are receivable with little clearance" (underscored added by examiner) is not supported by the specification. No statement on clearance is included at all with regard to said radial outer ends, let alone on "little" clearance, whatever "little" may mean. Therefore, claim contains new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. **Claims 69-71 and 73-76** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The metes and bounds of the claimed invention are vague and ill-defined due to lack of written support, resulting from the introduction of new matter, with reference to sections 9-12 above, whereby the claims are rendered indefinite.

14. The term "little" in **claims 73, 74 and 76** is a relative term which renders the claim indefinite. The term "little" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

15. **Claim 76** recites the limitation "the upper support ring" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Response to Arguments

16. Applicant's arguments filed 9/7/10 have been fully considered but they are not persuasive of patentability of the application after the current amendment. In particular:

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- a. Counter to applicant's statement that no new matter was added, - a statement not further detailed in any form at all, claims 69-71 and 73-76 are found to introduce new matter, as detailed above in sections 9-12. Because of the lack of a written description of the claimed subject matter the metes and bounds of the same are deemed vague and ill-defined, and hence these claims are also indefinite.
- b. Additionally, claims 73, 74 and 76 are indefinite, with reference to sections 14-15 above.
- c. Furthermore, minor informalities in the claim language were discovered, see sections 5-8.

Allowable Subject Matter

17. Subject to the expected compliance with the requirement for removal of the objections as set forth in sections 5-8 above, the following is a statement of reasons for the indication of allowable subject matter: the same reason for allowance as indicated before can be extended to claim 56 as well, considering the amendments filed 9/7/10; the dependent claims (claims 58-68, 72 and 77) not rejected under 35 U.S.C. 112, first or second paragraph, would under the same condition also be allowable for the same reason.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHANNES P. MONDT whose telephone number is (571)272-1919. The examiner can normally be reached on 8:00 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHANNES P MONDT/
Primary Examiner, Art Unit 3663

February 13, 2011.